

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO: 4078

**AN ORDINANCE ESTABLISHING A FIRE INSPECTION FEE AND A NON-EMERGENCY MEDICAL ASSISTANCE FEE AND ADDING SECTION 50-283 TO CHAPTER 50 AND ADDING SECTION 54-5 AND SECTION 54-6 TO CHAPTER 54 OF THE MUNICIPAL CODE FOR THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA**

**WHEREAS**, pursuant to the International Fire Code, as adopted by the State of Indiana, the Michigan City Fire Department is required to annually conduct a fire code compliance inspection for buildings and premises; and

**WHEREAS**, the Michigan City Fire Department incurs administrative time and expense in connection with the performance of fire code compliance inspection for buildings and premises and providing non-emergency medical assistance to private ambulance services within the City of Michigan City; and

**WHEREAS**, the Michigan City Fire Department has studied the aforementioned costs and expenses associated with the performance of fire code compliance inspection for businesses and providing non-emergency medical assistance to private ambulance services within the City of Michigan City; and

**WHEREAS**, the Michigan City Fire Department has made certain recommendations to the Common Council of the City of Michigan City to establish a fire code compliance inspection fee and a non-emergency medical assistance fee; and

**WHEREAS**, the Michigan City Common Council is desirous of implementing the recommendations of the Michigan City Fire Chief and doing so by adding Section 50-283, Section 54-5, and Section 54-6 to the Michigan City Municipal Code to establishing a fire code compliance inspection fee for businesses and a non-emergency medical assistance fee.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City that Section 50-283, Section 54-5, and Section 54-6 should be and are hereby added to the Michigan City Municipal Code to read as follows:

**Sec. 50-283. Fire Code Compliance Inspection Fee and Non-Emergency Medical Assistance Fee.**

- (a) The fire code compliance inspection fee as required by Section 54-5 shall be \$30.00 annually.
- (b) The non-emergency medical assistance fee as required by Section 54-6 shall be \$342.00 per incident.

**Sec. 54-5. Fire Code Compliance Inspection; Inspection Fee Established; Posting of Fire Inspection Certificate; Penalty.**

- (a) *Authority to Enter.* The Fire Marshall is authorized to enter and inspect, or cause to be inspected, all buildings and premises for the purpose of conducting an annual fire code compliance inspection. This section shall not apply to the residential dwelling units, which are governed by Sec. 22-281, et seq, and hotels, motels, and roominghouses, which are governed by Sec. 22-511, et seq.
- (b) *Annual Inspection Fee.* The Fire Marshall or his or her designee shall charge an annual inspection fee for each fire code compliance inspection as set forth by Section 50-283, except when such building or premise is owned by state or local government. It shall be the duty of every person maintaining or operating the business or premise to pay the City Controller's Office the annual inspection fee. Equipment requiring periodic testing or operation shall be tested or operated as specified by the International Fire Code, as adopted by the State of Indiana, and the equipment testing fees shall be included in the fire inspection fee schedule as set forth in Section 50-283.
- (c) *Required Posting of Fire Inspection Certificate.* Each building or premise shall post their Fire Inspection Certificate in plain view and each Fire Inspection Certificate will be updated upon the completion of the annual fire inspection.
- (d) *Finding of Dangerous or Hazardous Conditions; Notice of Violation.* Whenever the Fire Marshal or his or her designee determines that there are reasonable grounds to believe that there has

been a violation of any provision of this section, he or she shall give notice of the alleged violation to the persons responsible. The notice shall be in writing, include a statement of the reasons why it is being issued, allow a reasonable time, not less than ten (10) days, for the performance of any act it requires, be served upon the owner or his agent, or the occupant, as the case may require. The notice shall be deemed to be properly served upon the owner, agent or occupant if a copy thereof is sent by registered or certified mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice. The notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.

(e) *Appeal.*

(1) *Hearing.* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article, or of any rule or regulation adopted pursuant to this article, may request and shall be granted a hearing on the matter before the Michigan City Board of Public Works and Safety. The person shall file in the Office of the City Clerk a written petition requesting the hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. Upon receipt of the petition the Board shall set a time and place for the hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon application of the petitioner, the Board may postpone the date of the hearing for a reasonable time beyond the ten-day period, if in its judgment the petitioner has submitted a good and sufficient reason for the postponement. All the hearings shall be open to the public.

(2) *Decision and order.* After the hearing, the Board of Public Works and Safety shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this article have been complied with. If the Board sustains or modifies the notice, it shall be deemed to be an order. Any notice served pursuant to this section shall automatically become an order if a written petition for a hearing is not filed in the Office of the City Clerk within ten (10) days after the notice is served. The Fire Marshall or his or her designee serving the notice upon which a petition for review is filed shall not sit as a member of the Board at the hearing of the petition, but shall be allowed to be present, cross examine witnesses, and be cross examined by the petitioner.

(3) *Records.* The Board of Public Works and Safety shall make findings of facts relative to a decision under this section, which shall be reduced to writing. The decision and all orders of the Board shall also be reduced to writing. The Board shall prepare a record consisting of the notice, the petition for a hearing, the statement of finding of facts, and all decisions and orders of the Board and deposit it in the Office of the City Clerk for public inspection.

(4) *Emergency orders.* Whenever the Board of Public Works and Safety or Fire Marshal finds that an emergency exists which requires immediate action to protect the public health, the Board or the Fire Marshal may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as deemed necessary to meet the emergency. Notwithstanding other provisions of this article, the order shall be effective immediately. The Fire Marshal shall also have the authority to cause all public utilities serving the business, building, or premises where the violation takes place to be terminated, and to affect the closing of the business, building, or premises until such time as the violation is completely corrected, or the imminent hazard to life removed. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Board of Public Works and Safety shall be afforded a hearing as soon as possible. After the hearing, depending upon the finding as to whether the provisions of this article have been complied with, the Board shall continue the order in effect, modify it, or revoke it.

**Sec. 54-6. Rendering Medical Assistance to Private Ambulance Service for Non-Emergency Call; Medical Assistance Fee Established.**

When the Michigan City Fire Department provides medical non-emergency assistance to a private ambulance service, to assist in the transport of a patient, a fee as set forth in Section 50-143 will be charged to the private ambulance service and collected by the City Controller's Office for each request for transport assistance. (Example: Lift assist for a doctor appointment.)

This Ordinance shall take effect on January 1, 2010, after the same has been passed by the Council, approved by the Mayor, and any necessary publication.

INTRODUCED BY: /s/ Willie Milsap, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 1st day December of, 2009 by a vote of 7 to 2.

/s/ Robert McKee  
President, Common Council

Approved by me, this 2nd day of December, 2009.

/s/Charles Oberlie  
Mayor of Michigan City

ATTEST:

/s/Thomas F. Fedder, City Clerk

Prepared upon request by the City Attorney's Office